

116TH CONGRESS
1ST SESSION

S. 2115

To amend title 5, United States Code, to modify the period after retirement for authority of the Department of Defense to appoint retired members of the armed forces to positions within the Department after retirement.

IN THE SENATE OF THE UNITED STATES

JULY 15, 2019

Mr. LANKFORD (for himself, Mr. LEE, Mr. ROMNEY, Mr. ISAKSON, and Mr. PERDUE) introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To amend title 5, United States Code, to modify the period after retirement for authority of the Department of Defense to appoint retired members of the armed forces to positions within the Department after retirement.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. MODIFICATION OF PERIOD AFTER RETIRE-**
2 **MENT FOR AUTHORITY OF DEPARTMENT OF**
3 **DEFENSE TO APPOINT RETIRED MEMBERS**
4 **OF THE ARMED FORCES TO POSITIONS WITH-**
5 **IN THE DEPARTMENT AFTER RETIREMENT.**

6 Section 3326 of title 5, United States Code, is
7 amended—

8 (1) by striking subsection (b) and inserting the
9 following:

10 “(b)(1) A retired member of the armed forces may
11 be appointed to a position in the civil service in or under
12 the Department of Defense (including a nonappropriated
13 fund instrumentality under the jurisdiction of the armed
14 forces) immediately after the retirement of the member
15 only if the proposed appointment is authorized by the Sec-
16 retary concerned or a designee of the Secretary concerned,
17 after a determination that—

18 “(A) the position has not been held open pend-
19 ing the retirement of the retired member;

20 “(B) qualification requirements for the position
21 have not been written in a manner designed to give
22 advantage to the retired member; and

23 “(C) the retired member was considered and se-
24 lected in accordance with the applicable law (includ-
25 ing regulations) governing the appointing authority
26 used to appoint the retired member.

1 “(2) The Secretary concerned or a designee of the
2 Secretary concerned shall determine the duration under
3 which the provisions of this subsection apply.”; and

4 (2) by adding at the end the following:

5 “(d)(1) Not later than February 15 each year, the
6 Secretary of Defense and the Director of the Office of Per-
7 sonnel Management shall jointly submit to Congress a re-
8 port on the appointments made during the preceding year
9 using the authority in subsection (b)(1).

10 “(2) Each report under this subsection shall set
11 forth, for the year covered by such report, the following:

12 “(A) The number of appointments made using
13 the authority in subsection (b)(1).

14 “(B) The grades at retirement from the armed
15 forces of the individuals subject to such appoint-
16 ments.

17 “(C) The job titles, pay grades, and locations of
18 employment at appointment of the individuals sub-
19 ject to such appointments.”.

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